

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

CITIZENS CLEAN ELECTIONS COMMISSION

1. **Title and its heading:** 2, Administration
Chapter and its heading: 20, Citizens Clean Elections Commission
Article and its heading: 1, General Provisions
2, Compliance and Enforcement Procedures
4, Audits
7, Use of Funds and Repayments

Section numbers:
R2-20-101; R2-20-103; R2-20-104; R2-20-107 through R2-20-109; R2-20-111 through R2-20-113; R2-20-203; R2-20-205; R2-20-206; R2-20-208; R2-20-212; R2-20-214; R2-20-217; R2-20-218; R2-20-223; R2-20-229 through R2-20-231; R2-20-401 through R2-20-406; R2-20-701 through R2-20-710.
2. **The subject matter of the proposed rule:**
The rules were adopted to carry out the purposes and provisions of the Citizens Clean Elections Act set forth in A.R.S. §§ 16-940 to 16-961.
3. **A citation to all published notices relating to the proceeding:**
None published
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name Eric Gorsegner
Address: 1616 W. Adams, Suite 110
Phoenix, AZ 85012
Telephone: (602) 364-3477
Fax: (602) 364-3487
E-mail: eric.gorsegner@ccec.state.az.us
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Commission approved changes to Articles 1, 2, 4 and 7 at its November 18, 2003 meeting. The 60-day public comment period ended on January 20, 2004. At the January 28 meeting, the Commission approved the rules, taking public comments into consideration. A second 60-day comment period was initiated for substantive changes that were approved on January 28. Final adoption of the rules occurred on March 30, 2004. This will appear on the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
The rules will be effective upon preclearance by the Department of Justice.

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BOARD OF PHARMACY

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 6, Permits and Distribution of Drugs
11, Pharmacy Technicians (As part of this rulemaking, the Board may add, delete, or modify additional Articles as necessary.)

Section numbers:
R4-23-655; R4-23-1102; R4-23-1103
As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.
2. **Subject matter of the proposed rule:**
The Board made changes to R4-23-609 effective January 3, 2004 that created an incorrect citation in R4-23-655. R4-23-655 will be amended to cite the correct subsection of R4-23-609. During the final review of the pharmacy techni-

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cian rules in February 2004, GRRC staff noted that there were no time-frames in R4-23-1102 and R4-23-1103 for licensure of pharmacy technicians and pharmacy technician trainees. GRRC staff allowed the rules to proceed with assurances from Board staff that a docket would be opened after the rules were effective to add time-frame language to R4-23-1102 and R4-23-1103. The proposed rules will amend R4-23-1102 and R4-23-1103 to include licensure time-frames for both pharmacy technicians and pharmacy technician trainees. The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable:

R0403

3. A Citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Dean Wright, Compliance Officer

Address: Arizona Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, AZ 85302

Telephone: (623) 463-2727 ext. 131

Fax: (623) 934-0583

E-mail: rxcop@cox.net

5. The time during which the agency will accept written comments:

The Board will accept written comments Monday through Friday, 8 a.m. to 5 p.m.

The time and place where oral comments may be made:

Time: Monday through Friday, 8 a.m. to 4:30 p.m.

Location: Arizona Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, AZ 85302

Nature: Oral comments

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

6. A timetable for agency decisions or other action in the proceeding:

None

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**DEPARTMENT OF HEALTH SERVICES
WAIVER PROGRAMS**

1. Title and its heading:

9, Health Services

Chapter and its heading:

12, Department of Health Services – Waiver Programs

Articles and their headings:

1, General

2, J-1 Visa Waiver Program

Section numbers:

R9-12-101, R9-12-201, R9-12-202, R9-12-203, Table 1, R9-12-204, and R9-12-205 (As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.)

2. The subject matter of the proposed rule:

According to 8 United States Code (USC) §§ 1182(e) and 1184(I), a foreign physician who completes graduate medical education or training in the United States under a J-1 visa may apply for a J-1 visa waiver from the United States Department of State (DOS) and the United States Department of Homeland Security, Bureau of Citizenship and Naturalization Services (BCIS). A J-1 visa waiver exempts the foreign physician from the requirement to return home for two years before working as a physician in the United States.

The federal regulations located at 8 Code of Federal Regulations (CFR) 212.7, 8 CFR 1212.7, and 22 CFR 41.63 implement the J-1 visa waiver statutes. The DOS reviews the application and the BCIS makes the decision to deny or grant the waiver.

A J-1 visa waiver application requires a recommendation from an interested government agency. As a state public health department, the Department may provide recommendations for and submit to the DOS up to 30 J-1 visa waiver applications each federal fiscal year, October 1 through September 30.

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In this rulemaking, the Department will make rules for issuing or denying letters of recommendation for J-1 visa waiver applications to DOS and BCIS. The Department will make rules that are consistent with the Department's statutory duty under A.R.S. § 36-104(16) to promote health care access in the state's underserved areas.

The agency docket number:

RE-004-04

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Patricia Tarango, Chief
Address: Arizona Department of Health Services
Office of Health Systems Development
1740 W. Adams, Room 410
Phoenix, AZ 85007

Telephone: (602) 542-1210

Fax: (602) 542-2011

E-mail: ptarang@hs.state.az.us

or

Name: Kathleen Phillips, Rules Administrator

Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Room 202
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: kphilli@hs.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted at the locations listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking.

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DEPARTMENT OF HEALTH SERVICES

WAIVER PROGRAMS

1. Title and its heading:

9, Health Services

Chapter and its heading:

12, Department of Health Services – Waiver Programs

Articles and their headings:

3, National Interest Waiver Program

Section numbers:

R9-12-301 through R9-12-306 (As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.)

2. The subject matter of the proposed rule:

Title 8, United States Code (USC), section 1153(b)(2)(B), provides for national interest waivers exempting foreign physicians who meet the statutory requirements from the United States Department of Labor's certification of foreign workers seeking to work in this country. Title 8, Code of Federal Regulations (CFR), section 204.12, establishes the process by which a foreign physician may obtain a national interest waiver from the United States Department of Homeland Security, Bureau of Citizenship and Immigration Services (BCIS).

Under 8 CFR 204.12, a foreign physician must submit to BCIS a letter containing certain attestations from a federal agency or from a state public health department, such as the Department. In this rulemaking, the Department will make rules for issuing or denying a letter in support of a foreign physician's national interest waiver application to BCIS. The Department will make rules that are consistent with the Department's statutory duty under A.R.S. § 36-104(16) to promote health care access in the state's underserved areas and with the public interest in this state.

The agency docket number:

RE-005-04

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3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Patricia Tarango, Chief
Address: Arizona Department of Health Services
Office of Health Systems Development
1740 W. Adams, Room 410
Phoenix, AZ 85007

Telephone: (602) 542-1219

Fax: (602) 542-2011

E-mail: ptarang@hs.state.az.us

or

Name: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Room 202
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: kphilli@hs.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted at the locations listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Title and its heading:

18, Environmental Quality

Chapter and its heading:

7, Department of Environmental Quality – Remedial Action

Article and its heading:

6, Declaration of Environmental Use Restriction Fee

Section numbers:

R18-7-601 to R18-7-606 (As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.)

2. The subject matter of the proposed rule:

This is a permanent rulemaking to replace an interim fee rule, pursuant to 2000 Ariz. Session Laws Ch. 225, § 13. It would establish a fee, which a property owner is required pursuant to A.R.S. §§ 49-152(K) and 49-158(G) to pay to the Arizona Department of Environmental Quality when a declaration of environmental use restriction (DEUR) is submitted to the Department for approval, prior to being recorded. A DEUR is a restrictive covenant that must be recorded when an owner elects to use either an institutional control (i.e., a legal or administrative limitation on activities or uses) or an engineering control (e.g., a slab, cap, fence, liner, berm, leachate collection system, or pump and treat technologies), to prevent or minimize exposure to contaminants on the property, or when an owner elects to leave contamination on the property that exceeds the applicable residential soil remediation standard for the property. The Department will evaluate its experience with fees paid under the interim DEUR fee rule, to ascertain any way in which the fee should be revised for the permanent rule.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: James P. Lawless
Address: 1110 W. Washington Street
Phoenix, AZ 85007

Telephone: (602) 771-4562

Fax: (602) 771-2302

Notices of Rulemaking Docket Opening

E-mail: Lawless.James@ev.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

To be published in the Notice of Proposed Rulemaking

6. A timetable for agency decisions or other action on the proceeding, if known:

To be published in the Notice of Proposed Rulemaking